

EXHIBIT 5

Michigan Department of Education (MDE) and Intermediate School District (ISD) General Supervision Responsibilities

Michigan Department of Education Office of Special Education
March 2023

Introduction

The Michigan Department of Education Office of Special Education (MDE OSE) is providing this communication to establish a clear and consistent understanding of the current accountability system related to the effective implementation of the Federal Individuals with Disabilities Education Act (IDEA).

Content Information

The MDE must submit an annual application to the federal Office of Special Education Programs (OSEP) assuring that in receiving the federal IDEA Part B grant, the state has systems in place to ensure all districts and agencies across the state comply with the requirements of the intent and purposes of the IDEA Part B Statute and Regulations, including state requirements. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174) As a matter of fact, for a State to demonstrate eligibility to receive IDEA Part B funds, it must annually submit the IDEA Part B application specifically assuring it has in effect policies and procedures meeting each of the conditions in IDEA §1412(a), which addresses the following:

- Free Appropriate Public Education (FAPE) is made available to all children with disabilities age 3 through 21 residing in the State within the State's mandated age range.
- Child find is conducted for all children with disabilities residing in the State who need special education and related services.
- Evaluations are conducted.
- Individualized Education Programs (IEPs) are developed and implemented.
- Least Restrictive Environment (LRE) requirements are met; and

- All other conditions in section 612(a) are met.

MDE provides IDEA Part B subgrants to each eligible Intermediate School District (ISDs). IDEA Part B Local Education Agency (LEA) eligibility requirements apply to ISDs or Education Service Agencies as the LEA (subrecipient) receiving the IDEA Part B grant and responsible for ensuring that the requirements of this part are met. A condition of eligibility for an IDEA Part B subgrant, is that in providing for the education of children with disabilities within its jurisdiction, the ISD must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established as required in IDEA §1412(a). Additional conditions of ISD eligibility include:

- Use of funds
- Excess costs
- Maintenance of effort
- Use of appropriate/adequately trained staff
- Treatment of charter schools
- Providing SEA with information necessary to enable the SEA to carry out its duties under IDEA Part B

Michigan Administrative Rules for Special Education (MARSE) R 340.1839 Monitoring and program evaluation. Rule 139 states each intermediate school district shall implement monitoring procedures and evaluation methods developed by the department to ensure that the standards and criteria established are being achieved by the intermediate school district, their constituent local school districts, and their public school academies (PSAs).

When IDEA Part B grants are allocated to eligible ISDs as the subrecipient following the required statutory formula, there is no requirement for the ISD to distribute grant funds to their member districts (LEAs/PSAs). ISDs are required to treat their member districts similarly in relation to the services provided for students with disabilities and in the provision of IDEA Part B funds.

The ISD as the subrecipient of the IDEA Part B funds must ensure the requirements of this part are met within their ISD, including all member districts (LEAs/PSAs). If member districts evidence concerns of non-compliance with any IDEA Part B requirement(s), the ISD must consider options necessary to bring the member district into compliance.

Options the ISD may consider include targeted technical assistance, additional monitoring, and the necessary use of IDEA Part B grant funds to address identified areas of non-compliance, among other considerations.

Questions regarding further clarification of this information can be directed to *John Andrejack*, MDE OSE Program Finance Manager at andrejackj@michigan.gov or MDE OSE Director *Teri Rink* at rinkt1@michigan.gov.